

# HOUSE BILL 80

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01r0078

(PRE-FILED)

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By: **Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)**

Requested: October 8, 2009

Introduced and read first time: January 13, 2010

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Board for Professional Engineers**

3 FOR the purpose of requiring the State Board for Professional Engineers to adopt  
4 regulations to require a demonstration of professional competency as a  
5 condition of renewal of a license to practice engineering under certain  
6 circumstances; providing for implementation of the continuing competency  
7 program on a phased-in basis; authorizing the Board to issue certain retired  
8 status licenses; prohibiting a holder of a retired status license from practicing  
9 engineering; authorizing the holder of a retired status license to use a certain  
10 designation; authorizing the Board to reactivate a retired status license under  
11 certain circumstances; and generally relating to the practice of professional  
12 engineering.

13 BY repealing and reenacting, with amendments,  
14 Article – Business Occupations and Professions  
15 Section 14-314  
16 Annotated Code of Maryland  
17 (2004 Replacement Volume and 2009 Supplement)

18 BY adding to  
19 Article – Business Occupations and Professions  
20 Section 14-316  
21 Annotated Code of Maryland  
22 (2004 Replacement Volume and 2009 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
24 MARYLAND, That the Laws of Maryland read as follows:

25 **Article – Business Occupations and Professions**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 14-314.

2 (a) Unless a license is renewed for a 2-year term as provided in this section,  
3 the license expires on the first June 30 that comes:

4 (1) after the effective date of the license; and

5 (2) in an even-numbered year.

6 (b) (1) At least 1 month before a license expires, the Board shall mail to  
7 the licensee, at the last known address of the licensee:

8 (i) a renewal application form; and

9 (ii) a notice that states:

10 1. the date on which the current license expires;

11 2. the date by which the Board must receive the renewal  
12 application for the renewal to be issued and mailed before the license expires; and

13 3. the amount of the license fee.

14 (2) The failure of a licensee to receive the notice for which this  
15 subsection provides does not prevent the license from expiring as specified under  
16 subsection (a) of this section.

17 (c) Before a license expires, the licensee periodically may renew it for an  
18 additional 2-year term, if the licensee:

19 (1) otherwise is entitled to be licensed;

20 (2) pays to the Board a license fee set by the Board; and

21 (3) submits to the Board a renewal application on the form that the  
22 Board provides.

23 (d) (1) The Board shall renew the license of and issue a renewal certificate  
24 to each licensee who meets the requirements of this section.

25 (2) The Board shall include on each renewal certificate that the Board  
26 issues:

27 (i) the date on which the current license expires; and

28 (ii) the signatures of the chairman and secretary of the Board,  
29 under seal of the Board.

1 (e) The Secretary may determine that licenses issued under this subtitle  
2 shall expire on a staggered basis.

3 (F) THE BOARD SHALL ADOPT REGULATIONS TO REQUIRE A  
4 DEMONSTRATION OF CONTINUING PROFESSIONAL COMPETENCY FOR A  
5 LICENSEE AS A CONDITION OF RENEWAL OF A LICENSE UNDER THIS SECTION IN  
6 ACCORDANCE WITH THE FOLLOWING:

7 (1) CONTINUING PROFESSIONAL COMPETENCY REQUIREMENTS  
8 DO NOT APPLY TO THE FIRST RENEWAL OF A LICENSE;

9 (2) IF A LICENSE EXPIRES ON OR BEFORE SEPTEMBER 30, 2011, A  
10 LICENSEE IS NOT REQUIRED TO FULFILL THE CONTINUING PROFESSIONAL  
11 COMPETENCY REQUIREMENTS;

12 (3) IF A LICENSE EXPIRES BETWEEN OCTOBER 1, 2011, AND  
13 SEPTEMBER 30, 2012, A LICENSEE IS REQUIRED TO FULFILL 50% OF THE  
14 CONTINUING PROFESSIONAL COMPETENCY REQUIREMENT AS PROVIDED IN THE  
15 REGULATIONS ADOPTED BY THE BOARD UNDER THIS SUBSECTION; AND

16 (4) IF A LICENSE EXPIRES ON OR AFTER OCTOBER 1, 2012, A  
17 LICENSEE IS REQUIRED TO FULFILL THE FULL CONTINUING PROFESSIONAL  
18 COMPETENCY REQUIREMENT AS PROVIDED IN THE REGULATIONS ADOPTED BY  
19 THE BOARD UNDER THIS SUBSECTION.

20 14-316.

21 (A) THE BOARD MAY ISSUE A RETIRED STATUS LICENSE TO AN  
22 INDIVIDUAL WHO:

23 (1) IS CURRENTLY LICENSED IN MARYLAND AS A PROFESSIONAL  
24 ENGINEER;

25 (2) HAS BEEN LICENSED AS A PROFESSIONAL ENGINEER FOR AT  
26 LEAST 25 YEARS, OF WHICH AT LEAST 5 YEARS WERE IN MARYLAND;

27 (3) IS NOT THE SUBJECT OF A PENDING DISCIPLINARY ACTION  
28 RELATED TO THE PRACTICE OF ENGINEERING IN THIS OR ANY OTHER STATE;

29 (4) SUBMITS TO THE BOARD AN APPLICATION ON THE FORM  
30 APPROVED BY THE BOARD; AND

31 (5) PAYS TO THE BOARD A FEE AS SET BY THE BOARD.

1           **(B) (1) THE HOLDER OF A RETIRED STATUS LICENSE ISSUED UNDER**  
2 **THIS SECTION MAY NOT ENGAGE IN THE PRACTICE OF PROFESSIONAL**  
3 **ENGINEERING.**

4           **(2) THE HOLDER OF A RETIRED STATUS LICENSE SHALL BE**  
5 **PERMITTED TO USE THE DESIGNATION OF “PROFESSIONAL ENGINEER,**  
6 **RETIRED”.**

7           **(C) THE BOARD MAY REACTIVATE THE LICENSE OF THE HOLDER OF A**  
8 **RETIRED STATUS LICENSE IF THAT INDIVIDUAL:**

9                   **(1) SUBMITS TO THE BOARD AN APPLICATION FOR REACTIVATION**  
10 **ON THE FORM APPROVED BY THE BOARD;**

11                   **(2) MEETS ALL APPLICABLE CONTINUING COMPETENCY**  
12 **REQUIREMENTS DETERMINED BY THE BOARD;**

13                   **(3) IS NOT THE SUBJECT OF A PENDING DISCIPLINARY ACTION**  
14 **RELATED TO THE PRACTICE OF ENGINEERING IN THIS OR ANY OTHER STATE;**  
15 **AND**

16                   **(4) PAYS TO THE BOARD A REACTIVATION FEE AS SET BY THE**  
17 **BOARD.**

18           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 July 1, 2010.